

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No. 4787 of 1994

D.K.Rajendra Prasad
S/o D.V.Krishnappa
Major, Resident of
Dandiganahalli
Vijayapura Hobli
Devanahalli Taluk

.. PETITIONER

(By Sri V.Chandrapp, Advocate)

- Vs -

1. The State of Karnatka
Revenue Department
represented by its Secretary
Vidhana Soudha
Bangalore - 560 001

2. The Land Grant Committee
Devanahalli
Devanahalli Taluk

.. RESPONDENTS

(By Sri B.E.Kotian, Addl. Government Advocate)

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the resolution made by 2nd respondent at Annexure-B dt. 25.11.92 and etc.

This petition coming on for orders this day, the Court made the following:

ORDER

Sri B.E.Kotian, learned Government Advocate is directed to take notice for respondents-1 and 2.



2. Though this petition is posted in the orders' list, with the consent of the learned counsel appearing for the parties, it is taken up for final hearing and disposed of by this order.

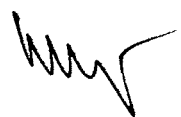
3. The petitioner in this petition claims to be in unauthorised occupation of land measuring 15 guntas in Sy.No.114 of Dandiganahalli Village, Vijayapura Hobli, Devanahalli Taluk. In this petition, he has called in question the correctness of the order dated 25th November 1992, a copy of which has been produced as Annexure-B passed by the 2nd respondent rejecting the claim of the petitioner seeking regularisation of his unauthorised occupation of the land referred to above and also for a direction to the 2nd respondent-Committee to regularise the unauthorised occupation of the said land.

4. Learned counsel for the petitioner points out that the impugned order is liable to be quashed on the ground that it is not a speaking order.

WMS

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5. I find considerable force in the submission of the learned counsel for the petitioner. Accordingly, the Order dated 25th November 1992, a copy of which has been produced as Annexure-B in so far as it rejects the claim of the petitioner is hereby quashed. The 2nd respondent-Committee is directed to reconsider the claim of the petitioner for regularisation of his unauthorised occupation in respect of the land in question in accordance with law after giving an opportunity to the petitioner and all other persons who may be interested in the land in question. All the contentions urged by the parties on merits are left open to be urged before the Committee. The petitioner is directed to appear before the 2nd respondent-Committee on 27th July 1998. It is made clear that the petitioner is not entitled for any fresh notice from the 2nd respondent-Committee. The 2nd respondent-Committee shall dispose of the matter afresh within three months from 27th July 1998. Accordingly, this petition is allowed and disposed of in terms stated above. Rule is issued and made absolute. The office



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is directed to communicate this order to the
2nd respondent-Committee within ten days from
today.

6. Sri B.K.Kotian, learned Government
Advocate is given four weeks' time to file his
memo of appearance.



Sd/-
JUDGE

pmg/